

Pro-se

Francisco Flores

United States District Court  
For The Southern District Of Texas  
Laredo Division

United States Of ) Case No. 20-40685

America, Plaintiff )

v. )

Motion for

Francisco Flores ) Petition for Second 2255 or 2241

Defendant. ) pursuant SC Rehaif 139 S.Ct 2191

) v United States (2019)

To The Honorable Judge Saldana

Comes forth, Francisco Flores, ("Flores")  
hereinafter presenting Prose asks this court to  
construe this liberally. pursuant to Haines V. Kerner,  
404 U.S. 519 (1972). Flores files this motion for appealability  
pursuant to second or successive <sup>U.S.C</sup> 28 § 2255 and if this is not  
the avenue for such actions, to be construed as a  
28 U.S.C § 2241 under the Tth district jurisdiction  
pursuant to Rehaif vs United States 139 S.Ct 2191 (2019)<sup>(1)</sup>  
1. Rehaif vs United States requires the government to prove that  
offender knew that they were prohibited to  
possess a firearm as a element in the statute.

In accepting a guilty plea, courts must comply with Fed. R. Crim. P., Rule 11 and, in particular, address their core concerns by ensuring that: (1) guilty plea is voluntary, (2) defendant understands nature of charges, and (3) defendant understands consequences of plea." *United States vs Bandel-Mena* (2006, CA 11 Fla) 177 Fed 929, cert den. A similar case can be related to Flores' situation; in *United States vs Coleman* 961 F.3d 1024, 1026 (5th Cir. 2020) a rather conservative circuit deemed Coleman's guilty plea for felon in possession of a firearm constitutionally invalid because he did not understand the essential elements of the offense to which he pled guilty for; a plain constitutional error. Although Coleman's charged conduct was, a felon in possession, it relates to the same element requirements for *Flore* "Possession of a firearm by a prohibited person (18 U.S.C 924(c)(1))" and violates the constitutionally guarantee of due process to be informed of the nature of crime charged and the associated elements to that crime.

### Conclusion

Flores respectfully asks this court once deemed appropriate to grant appointment of counsel under 18 U.S.C. § 3006A, 3006A authorizes this honorable court to do so at any time during the stage of proceedings; and grant appealability.

Pro se

Francisco Flores

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Respectfully;

Dated: 10/20/2020

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Southern District of Texas  
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Laredo Division

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Southern District of Texas  
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